

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

ROBERT BELL,)
Petitioner,)
)
v.) Civil Action No. 09-1193
)
BRIAN V. COLEMAN, et al.,)
Respondents.)

O R D E R

AND NOW, this 29th day of January, 2010, after a petition for a writ of habeas corpus was filed by the petitioner, Robert Bell, and after a Report and Recommendation of the United States Magistrate Judge was issued, and the petitioner was accorded a period of time in which to file written objections thereto, and upon consideration of the objections filed by the petitioner which raise issues appropriately addressed in the Report and Recommendation, and after independent review of the petition and the record, and upon consideration of the Report and Recommendation of the magistrate judge, which is adopted and incorporated as the opinion of this court,

IT IS ORDERED that because Robert Bell's parole has not yet been executed, he has no vested liberty interest giving rise to a claim for relief (see Hughes v. Sobina, C.A. No. 08-165, 2009 WL 1597813 (W.D.Pa. June 5, 2009) and his petition for a writ of habeas corpus is dismissed.

IT IS FURTHER ORDERED that a certificate of appealability is denied, because reasonable jurists could not conclude that a basis for appeal exists.

IT IS FURTHER ORDERED that pursuant to Rule 4(a)(1) of the FED. R. APP. P., if the petitioner desires to appeal from this order, he must do so within thirty (30) days by filing a notice of appeal as provided by Rule 3 FED. R APP. P.

/s/ Joy Flowers Conti
United States District Judge